

## **REMARKS/ARGUMENTS**

### **I. Status of Claims**

Prior to this Amendment, claims 1-17 were pending with claims 1 and 17 being independent. By this Amendment, claims 1, 5, 17 have been amended, and claim 2 has been canceled without prejudice or disclaimer of the subject matter recited therein.

### **II. Rejections under 35 U.S.C. §103 (a)**

#### **Claims 1-3, 5-6, and 17**

Claims 1-3, 5-6, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen et al. (U.S. Pub. No. 2004/0157640 – hereinafter Pirskanen) in view of Shah et al. (U.S. Patent No. 6,047,071 – hereinafter Shah). Applicants respectfully traverse this rejection.

Claim 1 recites a method for initiating uplink signaling by a UE receiving a multimedia multicast/broadcast service (MBMS), the method comprising steps of:

“receiving information over a MBMS control channel;

initiating an uplink signaling according to the information received over the MBMS control channel; and

receiving a response message in response to said uplink signaling;

wherein the information received over the MBMS control channel includes an indication selectively indicating between at least two causes, the at least two causes being UE counting and establishment of a point-to-point channel used by the MBMS.”

In the Amendment filed September 29, 2009 (hereinafter “the September Amendment”), we pointed out that the cited primary reference Pirskanen does not disclose “wherein the information received over the MBMS control channel comprises

an indication for establishing a point-to-point channel used by the MBMS”, as previously recited in claim 1. Hence, Pirskanen also does not disclose “wherein the information received over the MBMS control channel includes an indication selectively indicating between at least two causes, the at least two causes being UE counting and establishment of a point-to-point channel used by the MBMS”, as recited in claim 1.

Therefore, it is clear that, although Pirskanen is related to an MBMS system, Pirskanen has no relevance to the claimed method, since the claimed method, at the least, relates to an MBMS control channel wherein the information received over the MBMS control channel includes an indication selectively indicating between at least two causes, the at least two causes being UE counting and establishment of a point-to-point channel used by the MBMS, subject matter which, as noted above, Pirskanen does not disclose.

In the Office Action, the Examiner addresses the above-noted arguments as follows:

“Pirskanen further discloses the point-to-point channels may be used to transmit MBMS data (for each UE) if there is less than x UEs joined in a cell (see at least Pirskanen 0007). Therefore, this disclosure *raises the needs for the establishment of a point-to-point channel between the UE and the network*. However, Pirskanen does not specifically disclose wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS. In an analogous art, Shah discloses a method for establishing a traffic channel: transmitting instructions (e.g. channel assignment message) from a base station to a mobile to set up a traffic channel (see at least column 10 lines 62-67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to *modify Pirskanen in view of Shah to have the network sending indication to the UE to establish the point-to-point channel in order to facilitate efficient management of MBMS services*.” (emphasis added).

Applicants respectfully disagree with the Examiner's above-stated theory of relating Pirksanen to the claimed method.

More specifically, the Examiner's allegation that Pirksanen's disclosure of point-to-point channel *raises the needs for the establishment of a point-to-point channel between the UE and the network* does not have any bearing on the information received over the MBMS control channel includes *an indication* selectively indicating between at least two causes with one of them being establishment of a point-to-point channel used by the MBMS. This is because establishing *a* point-to-point channel between the UE and the network, in itself, does not have to entail a MBMS *control channel* including *an indication* in accordance with the above-noted claimed subject matter, since there could potentially be *myriad ways of* establishing *a* point-to-point channel between the UE and the network.

In addition, Shah's alleged disclosure of transmitting instructions for establishing a traffic channel is irrelevant to an MBMS scheme or *a control channel*, much less an MBMS *control channel* includes an indication selectively indicating between at least two causes with one of them being *establishment of a point-to-point channel used by the MBMS*, as recited of the above-noted claimed subject matter. Furthermore, "transmitting instructions for establishing a traffic channel" is a concept too broad to provide any concrete teachings to those skilled in the art so as to help those skilled in the art to relate Pirksanen to the claimed method.

Therefore, the Examiner's above-noted basis for modifying Pirksanen's scheme in view of Shah in order to relate Pirksanen to the claimed method is incorrect.

Furthermore, Pirksanen merely discloses "MBMS notification Counting" (see Fig. 2 item 6 and 7 and paragraphs [0054]-[0055] of Pirksanen), and Shah merely discloses "channel assignment message" (col. 10, lines 62-67), but neither Pirksanen

nor Shah, nor combination thereof, teaches or suggest “an indication selectively indicating between at least two causes”, as recited in claim 1.

Accordingly, Pirksanen and Shah, taken singly or in combination, do not relate to wherein the information received over the MBMS control channel includes an indication selectively indicating between at least two causes, the at least two causes being UE counting and establishment of a point-to-point channel used by the MBMS, and thus do not disclose, teach, or suggest the claimed method. Hence, claim 1 should be allowable over Pirksanen and Shah. The rejection of claim 1 should therefore be withdrawn.

Accordingly, for at least the foregoing reasons, claim 1 should be allowable over Pirksanen and Shah. The rejection of claim 1 should therefore be withdrawn.

Claim 17 contains subject matter related to that of claim 1. Accordingly, for at least the same reasons stated above in connection with claim 1, the rejection of claim 17 should be withdrawn.

The rejection of claims 2-3 and 5-6 should be withdrawn at least by virtue of their dependency from claim 1.

#### Claims 4 and 7-16

Claims 4 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Shah, and further in view of Ho (U.S. Pub. No. 2003/0236085 – hereinafter Ho). Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Shah and Ho, and further in view of Park et al. (U.S. Patent No. 6,782,274 – hereinafter Park). Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Shah, and further in view of Marjelund et al. (U.S. Patent No. 7,433,334 – hereinafter Marjelund). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over

Pirskanen in view of Shah, and further in view of Koulakiotis et al. (U.S. Patent No. 7,031,694 – hereinafter Koulakiotis). Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Shah, and further in view of Koo et al. (U.S. Pub. No. 2002/0110106 – hereinafter Koo). Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Shah, Koulakiotis and Marjelund, and further in view of Van Lieshout et al. (U.S. Patent No. 6,850,759 – hereinafter Van). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Shah, and further in view of Terry (U.S. Pub. No. 2004/0266447 – hereinafter Terry), and further in view of Van.

The rejection of claims 4 and 7-16 should be withdrawn at least by virtue of their dependency from claim 1 and the fact that the cited secondary references do not cure the above-noted deficiencies of Pirskanen and Shah.

### III. Conclusion

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,



Jundong Ma  
Attorney for Applicants  
Reg. No. 61,789

Roylance, Abrams, Berdo & Goodman, L.L.P.  
1300 19<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036  
(202) 659-9076

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